

# Guide to Seeking Elected Office in Lexington - 2016

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## Introduction

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Representative Town Government governs the Town of Lexington, by its Limited Town Meeting and Selectmen-Town Manager acts.

Citizens of Lexington may choose to serve town government by seeking election to any of the offices appearing on the ballot for the Annual Town Election. The Board of Selectmen votes each year to set the date for the Annual Town Meeting and the date for the Annual Town Election.

The Board of Selectmen files notice of every election with the Town Clerk at least thirty-five days prior to the election. This allows sufficient time to publicize vacancies and promotes a fair election process. The Town Clerk identifies a list of elected positions to appear on each year's ballot. The list of officials to be elected varies annually:

- **Board of Selectmen** - A Board of five members, serving three-year terms;
- **Moderator** - One Moderator, serving a one-year term;
- **School Committee** - A Committee of five members, serving three-year terms;
- **Planning Board** - A Board of five members, serving three-year terms;
- **Lexington Housing Authority** - A Board of four elected members, serving five-year terms and one appointed member;
- **Town Meeting Member** - A body consisting of 189 members, comprised of twenty-one members from each of the nine precincts, serving three-year terms.

The General By-laws of the Town of Lexington stipulate the Annual Town Election shall be called for the first Monday in March, or a date to be voted by the Selectmen. The Representative Town Meeting meets at the time and place fixed in the Warrant, customarily the last Monday in March, Cary Memorial Building.

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## Voter Registration

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Candidates seeking elected office in Lexington must be registered voters in the Town of Lexington. Residents may register to vote in the community in which they reside if:

- A U.S. Citizen - by birth or naturalization *and*
- 18 years of age by or on the day of election;

The payment of property taxes in Lexington, without residency and registration, does not make one eligible to vote in Lexington.

No minimum time of residency is required to register. As long as Lexington residency is maintained, one does not need to register again for any election. Registration is permanent as long as the voter resides at the residence at which he/she has registered. Any changes in residency within or out of Lexington require the voter to update voter registration status. The voting list is checked against each annual town census. Any voter who fails to respond to the annual census or whose name is removed from the census shall receive written notification from the Town Clerk's office of pending removal from the active voter list.

Any qualified person may register to vote online through the Secretary of State's Office at: <http://www.sec.state.ma.us/ele/eleifv/howreg.htm>. Voter registration applications are also available at any Town or City Clerk's office in the Commonwealth; the registration form will be forwarded to Lexington. The Lexington Town Clerk's Office is open Monday through Friday, 8:30 a.m. to 4:30 p.m.

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## The Nomination Process

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Candidates seeking elected office must "run" for office by obtaining Nomination Papers from the Office of the Town Clerk, obtain necessary signatures of voters, and file papers by appropriate deadline.

Each candidate shall file with the Town Clerk, prior to obtaining blank nomination papers, a written statement containing his/her name and address, and the town office for which he/she intends to be a candidate. Registering in the Town Clerk's "black book" may constitute such a statement. The Board of Registrars must certify each candidate's voter registration status prior to candidates qualifying to obtain nomination papers.

Upon certification of sufficient signatures for all candidates seeking nomination to the offices for which papers had been obtained, the candidate qualifies to have his/her name on the ballot for the election. A candidate has until 33 days before the election to withdraw from nomination and remove his/her name from the ballot. In order to do so, a candidate must submit a notarized letter to the Town Clerk requesting his/her name be removed from the ballot. Candidates may not withdraw after the 33-day deadline.

The Board of Registrars must certify all Nomination Papers prior to filing with the Town Clerk. The Board of Registrars certifies that the minimum number of signatures of registered voters has been obtained to qualify the candidate for nomination and have his/her name placed on the ballot for the office sought.

Once the Board of Registrars certifies nomination papers the papers are filed directly with the Town Clerk. Names of candidates are placed on the ballot in alphabetical order, with incumbents listed first as "*candidate for reelection*" to be followed by names of new candidates.

### **Board of Selectmen, Moderator, School Committee, Planning Board & Lexington Housing Authority**

Candidates for Board of Selectmen, Moderator, School Committee, Planning Board and Lexington Housing Authority shall obtain a minimum of **fifty (50) certifiable signatures** of persons registered to vote in the Town of Lexington. Candidates are encouraged to obtain a sufficient number of additional signatures (**15-20 extra**) to ensure meeting minimum requirements. To accomplish this, candidates may obtain from 2 - 10 sheets of nomination papers. Once prepared, candidates must accept nomination by signing all nomination papers received. Only those papers containing signatures must be submitted for certification.

Nomination papers must be submitted to the Board of Registrars/Town Clerk's Office for certification of all signatures by the designated deadline. It is recommended candidates submit papers in advance of the final deadline to allow for obtaining additional signatures should insufficient signatures be certifiable.

### **Town Meeting Member**

Candidates for Town Meeting shall obtain a minimum of **ten (10) certifiable signatures** of persons registered to vote in the precinct in which the candidate resides and is seeking nomination as a Town Meeting Member. Candidates are encouraged to obtain a sufficient number of additional signatures (**5-10 extra**) to ensure meeting minimum requirements to accomplish this, candidates may obtain from 1-2 sheets of nomination papers. Once prepared, candidates must accept nomination by signing all nomination papers received.

Nomination papers must be submitted to the Board of Registrars/Town Clerk's Office for certification of all signatures by the designated deadline. It is recommended candidates submit papers in advance of the final deadline to allow for obtaining additional signatures should insufficient signatures be certifiable.

### **Voter Lists**

Candidates for Board of Selectmen, Moderator, School Committee, Planning Board and Lexington Housing Authority may receive a list of registered voters in Lexington. A complimentary copy is available in electronic format (CD). Print copy is available at a cost of \$80.

Candidates for Town Meeting may receive a list of registered voters in the precinct from which the candidate is seeking nomination. A complimentary copy is available in electronic format (CD). Print copy is available at a cost of \$10.

A list of voters having voted in elections within the previous two years is also available electronic or print copy, for a fee.

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## Candidates, Deadlines & Key Dates

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1. **Incumbent Town Meeting Members:** Incumbent Town Meeting candidates may declare their intent to seek re-election without obtaining signatures for nomination required of candidates newly seeking office. The deadline for incumbent Town Meeting Members to file their intent to seek reelection with the Town Clerk is 5:00 p.m., 56 days prior to the election.

Forms authorizing the Town Clerk to place names of incumbent Town Meeting Members on the ballot are customarily mailed annually, as a courtesy to incumbents, sometime in December and must be returned no later than the declared deadline.

2. **New Candidates:**
  - Candidates must **obtain nomination papers** no later than 5:00 p.m., 51 days prior to the election.
  - Candidates must **file completed nomination papers** with the **Board of Registrars** for certification no later than 5:00 p.m., 49 days prior to the election.
  - The Board of Registrars files nomination papers directly with the Town Clerk to meet the deadline of 5:00 p.m. on the 35<sup>th</sup> day prior to the election.
3. **Candidate Withdrawal:** A candidate may withdraw his/her name from the ballot, via a written notarized letter to the Town Clerk, no later than 33 days prior to the election. After the withdrawal deadline, names of all candidates with certified Nomination Papers on file will be placed on the ballot for the upcoming election. Potential candidates who failed to return their nomination papers, or to obtain necessary signatures, do not qualify to have their name on the ballot.
4. **Voter Registration:** Residents have until 20 days prior to each election to register to vote.
5. **Absentee Ballots:** Absentee ballots may be requested until 5:00 p.m. the Friday before the Monday Town Election; or 12:00 noon the day before any election not falling on a Monday.

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## Campaign Finance & Campaign Activities

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### Campaign Finance

Candidates for elected municipal offices, *except members of representative town meeting*, are obligated to adhere to the Massachusetts General Laws governing the financing of political campaigns, MGL c.55 §1-42. Candidates and political committees are required to disclose all campaign contributions received and campaign expenditures made.

Candidates who may possibly receive contributions (cash or in-kind), or expend funds while seeking municipal office, must complete and file the appropriate forms with the Town Clerk at times stipulated by campaign finance regulations. No funds may be accepted nor expenses incurred until the proper campaign finance forms are filed with the Town Clerk.

A complete Campaign Finance packet will be provided to candidates potentially governed by campaign finance laws and regulations at the time nomination papers are obtained. **All reports of campaign finance activity will be posted on the Town's web site 20 days following submittal deadlines.**

A computer software program is available from the Office of Campaign and Political Finance (OCPF). This software, along with copies of reporting forms, reports, etc. is available off the OCPF web site [www.state.ma.us/ocpf](http://www.state.ma.us/ocpf).

### **Campaign Activities**

Candidates should become familiar with state statutes that govern their campaign practices. A brief explanation of the subjects addressed is provided below. For more information, refer to the specific Massachusetts General Law cited.

- **Political Committees; statement of organization; treasurer; secretary; duties; expenditures; penalties (55:4)**  
Candidates may be their own chairperson but not the treasurer if establishing a campaign committee; Public employees may not hold the office of campaign Treasurer; Campaign finance records must be retained for 6 years following date of election.
- **Failure to Report (55:3)**  
The civil penalty for failure to report campaign activities is \$25/day.
- **Issuance of Campaign Checks (55:5)**  
No person shall sign a committee check payable to himself/herself.
- **Soliciting contributions in public buildings prohibited (55:14)**  
Solicitation of funds/acceptance of payment prohibited within a public building.
- **Reports of contributions and expenditures; persons required to file; contents; reporting periods; time limits; penalties (55:18)**
- **Posting of Campaign Finance Reports (55:26)**  
Campaign finance reports required to be filed with the Town Clerk, with activity greater than \$1,000/ period, shall be made available for viewing on the internet.
- **Publishing political advertisements; statement; names; signatures, etc.; penalties (56:39)**  
Procedures and wording for publishing a political advertisement for candidates or ballot question committees;
- **Unauthorized use of endorsements; penalty (56:41A)**  
Consent of persons listed as endorsing a candidate/ballot question;
- **Interfering with distribution of printed matter (56:43)**  
Persons prohibited from interfering with lawful distribution of circulars, posters, printed material intended to influence voters;
- **Interfering with election officials (56:48)**  
Persons prohibited from interfering with election officials, the Town Clerk, and Election Officers in their performance of duties.

### **Electioneering**

950 C.M.R. 52.03(22)(d); 950 C.M.R. 53.03(18)(d); 950 C.M.R. 54.04(22)(d)

Candidates and/or ballot question committee members are prohibited from remaining within 150' of a poll entrance to greet and/or promote any candidacy or cause to be voted at an election. No person shall solicit votes for or against, or otherwise promote or oppose, any person or political party or position on a ballot question to be voted on at the current election while within 150' of a poll. This regulation does not restrict the rights of these individuals to vote or the rights of candidates to have observers within the polling place.

## **Town of Lexington Sign By-Law Summary**

Lexington's currently has a sign by-law, the purpose of which is to "to preserve and enhance the historical ambience and aesthetic character of the town, and to maintain public safety, consistent with constitutional requirements protecting freedom of speech."

Candidates are encouraged to conduct campaign sign efforts in accordance with the Town's sign by-law, summarized as follows:

<b>Permitted Signs:</b>	The major categories of signs that are permitted are resident identification signs; real estate signs; yard or garage sale signs; construction, painting or remodeling signs; and noncommercial message signs, including political campaign signs. Commercial signs and billboards are prohibited in residential districts.
<b>Size:</b>	With a few limited exceptions, signs in residential districts may not exceed four square feet in area. The four square foot limitation applies to campaign signs.
<b>Height:</b>	Standing signs (signs attached to a stake or otherwise erected on the ground) may not exceed four feet in height.
<b>Number:</b>	The by-laws permit two resident identification signs; one real estate sign; one yard or garage sale sign; and one construction, painting or remodeling sign. There is no limit on the number of noncommercial message signs that may be displayed. <b>However, no more than two standing signs may be located on a residential property at one time.</b>
<b>Setback:</b>	No part of any standing sign may be located within ten feet of the edge of the pavement of any street or obstruct a sidewalk.
<b>Windows and Roofs:</b>	Removable signs on the inside of windows or transparent doors are permitted. Roof signs are prohibited.
<b>Removal of Temporary Signs:</b>	Signs that advertise or relate to a particular event (for example, a real estate sign, a campaign sign, or a yard sale sign) must be removed promptly, and in no event more than seven days, after the conclusion of the event.

For more detailed information, consult Chapter 135, section 5.2 of the Zoning By-Laws. The Zoning By-Laws can be found under "Code of Lexington" on the town web site, <http://lexingtonma.gov>, or a copy may be purchased from the Planning Department.

## FREQUENTLY ASKED QUESTIONS REGARDING SIGNS

### **What is a noncommercial message sign?**

A noncommercial message sign is any statement or message, including but not limited to a political election campaign endorsement, that does not advertise, call attention to or promote for commercial purposes any product, service or activity; and for the display of which no consideration is provided or received.

### **May I display a flag or banner?**

Government flags and insignia, except when displayed in connection with commercial promotion, are exempted from the by-law. Other flags or banners may also be displayed, subject to the general requirements applicable to all signs.

### **Are signs allowed on fences?**

Signs on fences are "**standing signs**," which are defined in the by-law as "any and every sign that is erected on the land." That means that they are limited to two in number, may not be more than four feet high, and must be set back at least ten feet from the edge of the street.

### **Are signs allowed on the sides of houses?**

Residents cannot simply tack up signs on the sides of their houses; however, a wall sign would be permissible if affixed to an intermediate sign board that is securely fixed and complies with Building Code requirements.

### **Do I need a building permit to erect a sign?**

There is no requirement to obtain a building permit for a sign on residential property.

### **What if I want to install more signs, or a larger sign, than the by-laws permit?**

A resident may apply to the Zoning Board of Appeals for a special permit for more or larger signs, or for signs of a different type or purpose than the by-laws allow as of right.

### **Can my non-resident landlord display a campaign sign on property that I rent?**

No. Under Lexington's sign by-law, only an occupant of the premises has the right to display a noncommercial message sign.

### **Does the sign by-law cover car-top signs or hand-held signs?**

No. Signs mounted on registered motor vehicles or carried by hand are not covered by the Lexington by-law.

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## **Absentee Ballots**

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Absentee ballots are available if one is unable to vote at the polls on Election Day because of:

- absence from the town during the hours that the polls are open,
- physical disability, *or*
- religious belief. (M.G.L. Chap. 54, Sec. 86.)

The deadline to apply for an absentee ballot is noon on the day before an election, or 5:00 p.m. the Friday before a Monday election.

Prior to Election Day, the option exists for the voter to vote in person over-the-counter at the Office of the Town Clerk. For a ballot to be mailed, a written request, or a printed form provided by the Office of the Town Clerk, must be returned to the Town Clerk's Office, Town Office Building, 1625 Massachusetts Avenue, Lexington, MA 02420. The form should contain the name in printed or typed form, the name signed substantially as registered, the Lexington address, which one claims as his or her domicile, and the address to which the ballot should be mailed. The application may be hand delivered or returned. A relative may apply in person at the Town Clerk's Office for an absentee ballot to be mailed to a family member.

Voters who file a doctor's letter indicating permanent disability will receive an application for an absentee ballot at least 28 days before every election.

All ballots must be mailed to the absent voter (unless voted in person over-the-counter and certain specific hospitalization events). The ballots may be returned by mail, or hand-delivered to the Office of the Town Clerk up to the time the polls close on Election Day.

Voters should be aware of the time frame affecting the vote and allow enough time for mailings back and forth. The Office of the Town Clerk processes requests promptly. Last minute requests will be honored, but generally do not have a great success in being returned by the close of the election. Ballots cannot be hand-delivered to the polls, nor may voters receiving absentee ballots choose to vote at the polls Election Day without prior approval from the Town Clerk.

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## **Election Day**

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Registered voters vote at the polling facility designated for the precinct in which they reside and are registered to vote. Polls for each of Lexington's nine precincts open at 7:00 a.m. - 8:00 p.m.

Voting locations are listed below:

- Precinct 1 - School Admin Bldg, 146 Maple St (Enter via 328 Lowell St.)**
- Precinct 2 - Bowman School, 9 Philip Rd.**
- Precinct 3 - Lexington Community Center, 39 Marrett Rd.**
- Precinct 4 - Cary Memorial Building, 1605 Massachusetts Ave.**
- Precinct 5 - School Admin. Bldg., 146 Maple St. (Enter via 328 Lowell St.)**
- Precinct 6 - Cary Memorial Building, 1605 Massachusetts Ave.**
- Precinct 7 - Estabrook School, 117 Grove St.**
- Precinct 8 - Samuel Hadley Public Services Building, 201 Bedford St.**
- Precinct 9 - Maria Hastings School, 7 Crosby Road @2618 Massachusetts Ave.**

Election results are generated by the Accu-Vote Optical Scan Election System, plus hand-counted ballots when needed, and tallied at the polls where voting occurs. Upon completion of the required procedures at the precincts, the voting materials are delivered to the Town Clerk's Office for review and compilation by the Town Clerk. Election results are posted in the Town Office Building ([www.lexingtonma.gov](http://www.lexingtonma.gov)) and are provided to local print and television media.

Candidates and other interested persons may obtain election results at each precinct upon the closing of the polls and posting of results on election night.



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## **Additional Assistance or Information**

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Please feel free to direct any questions you may have regarding requirements for seeking election to a town office to the Town Clerk's Office.

Nathalie Rice, Town Clerk  
Town of Lexington  
1625 Massachusetts Avenue  
Lexington, MA 02420  
Telephone #: 781-698-4558  
Email: [townclerk@lexingtonma.gov](mailto:townclerk@lexingtonma.gov)  
Web site: <http://www.lexingtonma.gov>